county jail. He sued out a writ of habeas corpus. *Held,* that the writ should be discharged, the ordinance being a valid exercise of the police power of the municipality for the prevention of frauds on the public. *State ex rel. Cook* v. *Bates* (1907), — Minn. —, 112 N. W. Rep. 67.

That the police power may be called into play to prevent fraud has long been recognized. When a business depends upon fraud for its very existence it may be prohibited, but if it only offers large opportunities for the commission of fraud a prohibition is not justifiable. *Fry* v. *State of Indiana,* 63 Ind. 552; *Commonwealth* v. *Wilson,* 14 Phila. (Pa.) 334. Ordinances for protection against such evils have been sustained when regulating weights and measures. *Smith* v. *Arnold,* 106 Mass. 269; *Bisbee* v. *McAllen,* 39 Minn. 143, providing for the inspection of food stuffs and drugs; *Jacksonville* v. *Leadwith,* 23 Fla. 558; *People* v. *Wagner,* 24 Mich. 141; *Deems* v. *Mayor,* 45 Md. 339, prohibiting adulterations and imitations; *Powell* v. *Pennsylvania,* 127 U. S. 678; *Wright* v. *State,* 88 Md. 436; *Butler* v. *Chambers,* 36 Minn. 69; *Plumley* v. *Massachusetts,* 155 U. S. 461, and regulating various trades and occupations liable to abuse. Peddlers and hawkers, since they are usually itinerant and therefore irresponsible, have always been considered properly subject to regulation. *People* v. *Russell,* 49 Mich. 617. The place and manner of carrying on their trade may be controlled, and they may be prohibited from selling certain classes of goods, as, for example, jewelry. Auctioneers can also be required to take out licenses, but, being as a class more responsible than hawkers, restrictions upon them are confined to specifying the time and place of sales, and the requiring of bonds. The object is usually to guard against nuisance and to keep the business in the hands of responsible parties. Prohibition is not usually resorted to. *Fowle* v. *Common Council of Alexandria,* 28 U. S. 398; *White* v. *Kent,* 11 Oh. St. 550. An ordinance prohibiting the sale of watches after six o'clock in the evening has been held valid, the reason given being that the licensing and regulation of auctioneers are within the power of the legislature. *City of Buffalo* v. *Marion,* 13 Misc. Rep. 639, 34 N. Y. Supp. 945. There is no reference to the police power under which such a prohibition could alone be justified, but the danger that watches so sold were not come by honestly would seem to permit of legislative interference. For the same reason the holding of the principal case could be upheld, except that a prohibition appears unnecessary since the city of Duluth has the power to compel auctioneers to keep such records of their transactions as it may direct, and to regulate the time, place and manner of holding sales. The result could be accomplished without a prohibition. For a more general treatment of ordinances licensing trades and occupations, see V MICH. LAW REV., 667.

PARENT AND CHILD—OBLIGATION OF FATHER TO SUPPORT AFTER DIVORCE.—Plaintiff was the divorced wife of defendant. The decree gave the plaintiff the custody of the two infant children, the court at that time not having jurisdiction to compel defendant to pay for their support. In an action to recover this support, *held,* that a wife, obtaining a decree of divorce, awarding her the custody of the minor children of the marriage, may, on supporting the children after the decree, recover from the husband the expenses incurred. *Alvey* v. *Hartwig* (1907), — Md. —, 67 Atl. Rep. 132.

The court in *Stanton* v. *Willson,* 3 Day (Conn.) 37, 3 Am. Dec. 255, held that a father is liable for the support of his minor children who have been awarded to his divorced wife, first to her as guardian, and afterwards to a stranger whom she married. Although none of the more recent decisions have gone so far as *Stanton* v. *Willson,* supra, the father's liability has been established in *Cowles* v. *Cowles,* 3 Gilman (Ill.) 435; *Plaster* v. *Plaster,* 47 Ill. 290; *Buckminster* v. *Buckminster,* 38 Vt. 249; *Wilson* v. *Wilson,* 45 Cal. 399; *Conn* v. *Conn,* 57 Ind. 323; *Courtright* v. *Courtright,* 40 Mich. 633; *Lapworth* v. *Leach,* 79 Mich. 16, 44 N. W. 338; *Holt* v. *Holt,* 42 Ark. 495; *Pretzinger* v. *Pretzinger,* 45 Ohio St. 452, 15 N. E. 473, 4 Am. St. Rep. 542; *Gibson* v. *Gibson,* 18 Wash. 489, 51 Pac. 1041, 40 L. R. A. 587. On the other hand the following courts have held that the husband cannot be sued by the divorced wife for support of the minor children: *Pawling* v. *Willson,* 13 John. (N. Y.) 192; *Finch* v. *Finch,* 22 Conn. 411; *Burritt* v. *Burritt,* 29 Barb. (N. Y.) 124; *Fitler* v. *Fitler,* 33 Pa. St. 50; *Harris* v. *Harris,* 5 Kan. 46; *Husband* v. *Husband,* 67 Ind. 583, 33 Am. Rep. 107; *Ramsey* v. *Ramsey,* 121 Ind. 215, 23 N. E. 69, 6 L. R. A. 682; *Fulton* v. *Fulton,* 52 Ohio St. 229, 39 N. E. 729, 29 L. R. A. 678, 49 Am. St. Rep. 720; *Brown* v. *Smith,* 19 R. I. 319, 33 Atl. 466, 30 L.R.A. 680; *State* v. *Phillips,* 1 Penne. (Del.) 11, 39 Atl. 453; *Foss* v. *Hartwell,* 168 Mass. 66, 46 N. E. 411, 37 L. R. A. 589, 60 Am. St. Rep. 366; *Glynn* v. *Glynn,* 94 Me. 465, 48 Atl. 105. The principal case seems to be against the weight of authority. The judgment obtained in *Stanton* v. *Willson,* supra, could not be enforced in *Pawling* v. *Willson,* supra, decided eight years later; while the decision itself was overruled in *Finch* v. *Finch,* supra. The later decisions of Indiana, *Husband* v. *Husband* and *Ramsey* v. *Ramsey,* supra, have overruled *Conn* v. *Conn,* supra, on the ground that the husband should not be liable because he cannot control the services of the children. The Ohio court attempted to reconcile its conflicting decisions in *Pretzinger* v. *Pretzinger* and *Fulton* v. *Fulton,* supra, by limiting the wife's recovery to cases where the husband gave his promise or request of support. *Gibson* v. *Gibson* and *Husband* v. *Husband,* supra, are in direct conflict and cannot be reconciled. The decisions opposed to the principal case take the stand that it is an injustice to the husband to compel him to support and educate the children while the wife has complete control over them.

PUBLIC OFFICERS—RESIGNATION—NECESSITY OF ACCEPTANCE.—One Gruwel, having been elected to the office of city councilman, presented his written resignation to the council; before its acceptance, or the appointment of his successor, plaintiff was elected to the same office, and brings action against one who had been appointed to the office after the plaintiff's election. *Held,* that where a public officer resigns his office, no vacancy exists until the resignation is accepted, either formally or by the appointment of his successor, and that one who is elected to the office before the resignation is thus accepted has no right to it. *State ex rel. Royse* v. *Superior Court of Kitsap County* (1907), — Wash. —, 91 Pac. Rep. 4.

Not a little authority can be found for the proposition that one's right to relinquish office is absolute. MCCRARY ON ELECTIONS, § 352; *U. S.* v. *John*